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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,998	11/14/2003	Patrick T. Rodden	41301-16	1564
22504 7590 01/12/2007 DAVIS WRIGHT TREMAINE, LLP 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688			EXAMINER PHAM, KHANH B	
			ART UNIT 2166	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/713,998

Applicant(s)

RODDEN, PATRICK T.

Examiner

Khanh B. Pham

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "the systems " in lines 1, 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-59** are rejected under 35 U.S.C. 102(e) as being anticipated by Narayanaswami et al. (US 6,504,571 B1), hereinafter Narayanaswami.

As per claim 1, Narayanaswami teaches a context based data collection system (Col. 1 lines 5-15) comprising:

- “a clock to provide a time context” at Col. 7 lines 35-40;
- “a first data input device to capture a first data element” at Col. 5 lines 1-12;
- “a second data input device to capture a second data element” at Col. 5 lines 15-20;
- “a processor to associate each of the first and second capture data element with a respective time context” at Col. 5 lines 55-60
- “a data storage element to store the first and second data elements in association with the time context, wherein the first and second data elements are stored in the data storage element in association with each other based on the time context” at Col. 8 lines 40-60.

As per claim 2, Narayanaswami teaches the system of claim 1, wherein "the data storage element is a relational database and the first and second data elements are stored in the database in relation to each other" at Col. 8 lines 40-60.

As per claim 3, Narayanaswami teaches the system of claim 1, wherein "the data storage element is a relational database, the system further comprising an input device to generate text data wherein data storage element stores the first and second data elements are stored in the data storage element in relation to each other based on the text data" at Col. 6 lines 64-67.

As per claim 4, Narayanaswami teaches the system of claim 1, wherein "the clock provide a date data context and wherein data storage element stores the first and second data element are stored in the data storage element in association with each other based on the date context" at Col. 7 lines 25-45.

As per claim 5, Narayanaswami teaches the system of claim 1, further comprising: "a position determination unit to provide a position context wherein data storage element stores the first and the second data element in association with each other based on the position context" at Col. 5 lines 55.

As per claim 6, Narayanaswami teaches the system of claim 5, wherein “the position determination unit comprises a global positioning system receiver” at Col. 5 lines 55.

As per claim 7, Narayanaswami teaches the system of claim 6, wherein the GPS receiver provide time information and the clock utilizes the time information to establish a time of day used to provide the time context” at Col. 5 lines 55-60.

As per claim 8, Narayanaswami teaches the system of claim 1, wherein “the first data input device is an image input device and the first data element is an image” at Col. 5 lines 1-10.

As per claim 9, Narayanaswami teaches the system of claim 8, wherein the second data input device is an image input device and the second data element is an image” at Col. 5 lines 1-10.

As per claim 10, Narayanaswami teaches the system of claim 8, wherein the second data input device is an audio input device and the second data element is audio data” at Col. 5 lines 15-20.

As per claim 11, Narayanaswami teaches the system of claim 8, wherein the image input device is a photographic camera” at Col. 5 lines 1-10.

As per claim 12, Narayanaswami teaches the system of claim 8 wherein “the image input device is a video camera” at Col. 5 lines 1-10.

As per claim 13, Narayanaswami teaches the system of claim 8 wherein “the image input device is a scanner and the first data element is a scanned image” at Col. 8 lines 57-62.

As per claim 14, Narayanaswami teaches the system of claim 1 wherein the first input device is an audio input device and the first data element is audio data” at Col. 5 lines 1-20.

As per claim 15, Narayanaswami teaches the system of claim 14, wherein the second data input device is an audio input device and the second data element is audio data” at Col. 5 lines 1-20.

As per claim 16, Narayanaswami teaches the system of claim 14 wherein the second data input device is an image input device and the second data element is an image” at Col. 7 lines 50-60.

As per claim 17, Narayanaswami teaches the system of claim 1, further comprising “a trigger element to initiate the capture of the first and second data elements” at Col. 7 lines 50-60.

As per claim 18, Narayanaswami teaches the system of claim 17 wherein the trigger element initiates the capture upon receipt of a trigger based on an event external to the system" at Col. 7 lines 50-60.

As per claim 19, Narayanaswami teaches the system of claim 17 wherein "the trigger element is periodically activated" at Col. 7 lines 50-60.

As per claim 20, Narayanaswami teaches the system of claim 1, wherein "at least the first data input device is configured to be worn by an individual user" at Col. 7 lines 50-60.

As per claim 21, Narayanaswami teaches the system of claim 1, wherein "at least the first data input device is portable image input device and the first data element is an image" at Col. 7 lines 50-60.

As per claim 22, Narayanaswami teaches the system of claim 21, further comprising: "a horizon adjustment system to detect a horizon within the image and to alter the captured first data element to position the horizon at a desired position within the altered image" at Col. 5 lines 45-55.

As per claim 23, Narayanaswami teaches the system of claim 1 for use with a second system with each system having a clock, first and second data input device, a

processor and data storage element, the system further comprising a communication controller to control communication between the systems, the communication controller permitting the access of the data storage element of the other system to thereby exchange data storage elements between the systems" at Col. 7 line 60 to Col. 8 line 5.

As per claim 24, Narayanaswami teaches the system of claim 21 wherein "the system exchange data storage elements between the systems based on the time context associated with the stored data element" at Col. 13 lines 10-20.

As per claim 25, Narayanaswami teaches a relational database system comprising:

- "a storage device to store data element" at Col. 8 lines 40-60;
- "an input interface to receive a plurality of multimedia data elements, each of the plurality of multimedia data element having a time context, a date context and a place context associated therewith, the input interface storing the plurality multimedia data element in the storage device in association with the time, data and place contexts" at Col. 8 lines 40-60;
- "a search interface configure to receive a search element and to locate all multimedia data elements within the storage device that are determined to be match with the search element" at Col. 8 lines 25-40;
- "an output interface to generate an output list of all multimedia data element that match the search element" at Col. 8 lines 25-30.

As per claim 26, Narayanaswami teaches the database system of claim 25 wherein “the search element is the time context and the search interface locates all multimedia data elements that match the time context indicated by the search element” at Col. 13 lines 10-20.

As per claim 27, Narayanaswami teaches the database system of claim 25, wherein “the search element is the date context and the search interface locates all multimedia data elements that match the data context indicated by the search element” at Col. 11 lines 15-20

As per claim 28, Narayanaswami teaches the database system of claim 25 wherein “the search element is the place context and the search interface locates all multimedia data elements that match the place context indicated by the search element” at Col. 12 lines 1-12.

As per claim 29, Narayanaswami teaches the database system of claim 25 for use with a second database system wherein the search element is used by a search interface associated with the second database system to locate all multimedia data elements within a storage device associated with the second database system that are determined to match the search element” at Col. 10 lines 48-60.

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Claims 30-59 recite a method includes similar limitation discussed in claims 1-29 above and therefore rejected by the same reasons.

Conclusion

5. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Primary Examiner
Art Unit 2166

January 5, 2007

A handwritten signature in black ink, appearing to read 'Kpham', with a long horizontal flourish extending to the right.